

UNITED STATES OF AMERICA JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
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U.S. DISTRICT COURT E.D.N.Y.

05CV889
05CV957
05CV967
05CV1003
05CV1277
05CV1337

05CV1430
05CV1552

MDL-1695 *In re Veeco
Instruments, Inc.
Securities Litigation*
June 14, 2005

NOTICE OF HEARING SESSION ★ JUN 17 2005 ★

Dear Counsel:

LONG ISLAND OFFICE

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

DATE OF HEARING SESSION: July 28, 2005

LOCATION OF HEARING SESSION: Alfred A. Arraj United States Courthouse
Judge Babcock's Courtroom, Second Floor
901 19th Street
Denver, Colorado 80202

TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **July 11, 2005**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,

Michael J. Beck
Michael J. Beck
Clerk of the Panel

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
FILED

JUNE 14, 2005

MICHAEL J. BECK
CLERK OF THE PANEL

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

***WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D. LOWELL
JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H.
VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL***

HEARING SESSION ORDER

IT IS ORDERED that on July 28, 2005, a hearing session will be held in Denver, Colorado, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

IT IS FURTHER ORDERED that at said hearing session the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION
July 28, 2005 -- Denver, Colorado

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-1690 -- In re Indian Tribes Contract Support Costs Litigation

Motion of plaintiffs Tunica-Biloxi Tribe of Louisiana, et al., for centralization of the following actions in the United States District Court for the District of New Mexico:

District of District of Columbia

Tunica-Biloxi Tribe of Louisiana, et al. v. United States of America, et al.,
C.A. No. 1:02-2413

District of New Mexico

Ramah Navajo Chapter v. Manuel Lujan, et al., C.A. No. 1:90-957
Pueblo of Zuni v. United States of America, et al., C.A. No. 1:01-1046

MDL-1691 -- In re Bextra and Celebrex Products Liability Litigation

MDL-1693 -- In re Bextra Marketing and Sales Practices Litigation

MDL-1694 -- In re Celebrex Marketing and Sales Practices Litigation

MDL-1699 -- In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation

Motion of plaintiffs Gloria Ward, Carol J. Aiola, and Ronald J. Babin for centralization of certain of the following actions in MDL-1691 in the United States District Court for the Eastern District of Louisiana; motion of plaintiffs Kenneth Kaye, et al., and Irene Bailey, et al., for centralization of certain of the following actions in MDL-1691 in the United States District Court for the District of Connecticut; motion of plaintiff ASEA/AFSCME Local 52 Health Benefits Trust for centralization of certain of the following actions in MDL-1693 in the United States District Court for the Southern District of New York; motion of plaintiffs Health Care for All, et al., for centralization of certain of the following actions in MDL-1694 in the United States District Court for the District of Massachusetts; and motion of plaintiffs Betty A. Alexander, et al., for centralization of the following actions in MDL-1699 in the United States District Court for the Eastern District of Louisiana:

Schedule of Matters for Hearing Session, Section A
Denver, Colorado

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MDL-1691, 1693, 1694, and 1699 (Continued)

Northern District of Alabama

Darryl Blue, etc. v. Pfizer, Inc., C.A. No. 2:05-464

Martha Ann Lemond, et al. v. Merck & Co., Inc., et al., C.A. No. 7:05-691

District of Arizona

Dorothy Greaves v. Pfizer, Inc., et al., C.A. No. 2:05-647

Central District of California

John Bolwell, et al. v. Pfizer, Inc., C.A. No. 2:05-1967

Northern District of California

June Swan, et al. v. Pfizer, Inc., et al., C.A. No. 3:05-834

District of Connecticut

Kenneth Kaye, et al. v. Pfizer Inc., C.A. No. 3:05-385

Irene Bailey, et al. v. Pfizer, Inc., et al., C.A. No. 3:05-386

District of Delaware

Ronnie L. Hatcher v. Pfizer, Inc., et al., C.A. No. 1:05-208

Northern District of Florida

Marie McConnell v. Pfizer, Inc., C.A. No. 3:05-123

Southern District of Florida

Aurora Balloveras v. Pfizer, Inc., C.A. No. 1:05-20429

Schedule of Matters for Hearing Session, Section A
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MDL-1691, 1693, 1694, and 1699 (Continued)

Eastern District of Louisiana

Gloria Ward v. Pfizer, Inc., C.A. No. 2:04-3469
Elmer E. Creel, Sr., et al. v. Pfizer, Inc., C.A. No. 2:04-3470
Carol J. Aiola v. Pfizer, Inc., C.A. No. 2:05-1207
Ronald J. Babin v. Pfizer, Inc., C.A. No. 2:05-1208
Deborah Ann Woodberry v. Pfizer, Inc., C.A. No. 2:05-1350
Terry Bridges v. Pfizer, Inc., C.A. No. 2:05-1353
George Hoffman v. Pfizer, Inc., C.A. No. 2:05-1354
Helen Anne Todini v. Pfizer, Inc., C.A. No. 2:05-1367
Betty A. Alexander, et al. v. Pfizer, Inc., C.A. No. 2:05-1720

Middle District of Louisiana

Ronald W. Abel, etc. v. Pfizer, Inc., C.A. No. 3:05-258

Western District of Louisiana

William Doss Turner v. Pfizer, Inc., C.A. No. 1:05-619
Yvonne Clark v. Pfizer, Inc., C.A. No. 1:05-620

District of Massachusetts

Health Care for All, et al. v. Pfizer, Inc., et al., C.A. No. 1:05-10707

Eastern District of Michigan

Linda A. Watters, et al. v. Pfizer, Inc., et al., C.A. No. 2:05-71434

District of Minnesota

Loretta M. Harris v. Pfizer, Inc., C.A. No. 0:05-728

Eastern District of New York

Melissa Kelly, et al. v. Pfizer, Inc., C.A. No. 1:05-949

Schedule of Matters for Hearing Session, Section A
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MDL-1691, 1693, 1694, and 1699 (Continued)

Southern District of New York

ASEA/AFSCME Local 52 Health Benefits Trust v. Pfizer, Inc., et al.,

C.A. No. 1:05-3803

Steamfitters' Industry Welfare Fund, et al. v. Pfizer, Inc., et al., C.A. No. 1:05-3814

Sheet Metal Workers' International Assn. v. Pfizer, Inc., et al., C.A. No. 1:05-4125

Northern District of Ohio

Theresa Blatnik, et al. v. Pfizer, Inc., C.A. No. 1:05-900

Northern District of Texas

James Booker v. Merck & Co., Inc., et al., C.A. No. 3:05-496

Southern District of Texas

Ronald L. Baker, et al. v. Pfizer, Inc., C.A. No. 3:05-206

MDL-1692 -- In re Norvir Antitrust Litigation

Motion of plaintiff Gary Schor for centralization of the following actions in the United States District Court for the Northern District of Illinois or, in the alternative, the United States District Court for the Northern District of California:

Northern District of California

John Doe 1, et al. v. Abbott Laboratories, C.A. No. 4:04-1511

Service Employees International Union Health & Welfare Fund v. Abbott Laboratories,

C.A. No. 4:04-4203

Northern District of Illinois

Gary Schor v. Abbott Laboratories, C.A. No. 1:05-1592

Schedule of Matters for Hearing Session, Section A
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MDL-1695 -- In re Veeco Instruments Inc. Securities Litigation

Motion of defendants Veeco Instruments Inc.; Edward H. Braun; and John F. Rein, Jr., for centralization of the following actions in the United States District Court for the Southern District of New York:

Eastern District of New York

Andrew McIntosh v. Veeco Instruments Inc., et al., C.A. No. 2:05-889
Barry Linzer v. Veeco Instruments Inc., et al., C.A. No. 2:05-957
Bruce Kantor v. Veeco Instruments Inc., et al., C.A. No. 2:05-967
George Walker v. Veeco Instruments Inc., et al., C.A. No. 2:05-1003
Philip G. Collins v. Veeco Instruments Inc., et al., C.A. No. 2:05-1277
Servaas Holthuisen v. Veeco Instruments Inc., et al., C.A. No. 2:05-1337
Gerald J. Vogt, et al. v. Veeco Instruments Inc., et al., C.A. No. 2:05-1430
Timothy Joe Grove v. Veeco Instruments Inc., et al., C.A. No. 2:05-1552

Southern District of New York

L.I.S.T., Inc. v. Veeco Instruments Inc., et al., C.A. No. 7:05-2189
Roy P. Kershaw v. Veeco Instruments Inc., et al., C.A. No. 7:05-2929

MDL-1696 -- In re Sierra Wireless, Inc., Securities Litigation

Motion of plaintiff Jonathan Epstein for centralization of the following actions in the United States District Court for the Southern District of New York:

Southern District of California

W. Robert Goodman v. Sierra Wireless, Inc., et al., C.A. No. 3:05-262
Milton A. Karetas v. Sierra Wireless, Inc., et al., C.A. No. 3:05-270

Southern District of New York

J. John Lawler v. David B. Sutcliffe, et al., C.A. No. 1:05-1299
Gail Beach v. Sierra Wireless, Inc., et al., C.A. No. 1:05-1797
Jonathan Epstein v. Sierra Wireless, Inc., et al., C.A. No. 1:05-1924

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MDL-1696 (Continued)

Southern District of New York (Continued)

Candido M. Rodrigues v. Sierra Wireless, Inc., et al., C.A. No. 1:05-1925

Kenneth Bender v. David B. Sutcliffe, et al., C.A. No. 1:05-2304

Frederick A. Nuttall v. Sierra Wireless, Inc., et al., C.A. No. 1:05-2378

Jonathan B. Rodnon v. David B. Sutcliffe, et al., C.A. No. 1:05-3029

MDL-1697 -- In re Air Crash Near Yarmouth, Massachusetts, on August 26, 2003

Motion of Colgan Air, Inc., for centralization of the following actions in the United States District Court for the Eastern District of Virginia:

District of Massachusetts

Yisel Dean, etc. v. Raytheon Co., et al., C.A. No. 1:05-10155

Lisa A. Weiler, etc. v. Raytheon Co., et al., C.A. No. 1:05-10364

Eastern District of Virginia

Colgan Air, Inc. v. Raytheon Aircraft Co., C.A. No. 1:05-213

MDL-1698 -- In re American General Life & Accident Insurance Co. Retiree Benefits "ERISA"
Litigation

Motion of defendant American General Life & Accident Insurance Company for centralization of the following actions in the United States District Court for the District of South Carolina:

Northern District of Alabama

Donnie Pope, et al. v. American General Life & Accident Insurance Co.,
C.A. No. 7:05-109

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MDL-1698 (Continued)

Middle District of Florida

Eleanor M. Acres, et al. v. American General Life & Accident Insurance Co.,

C.A. No. 3:04-1274

June Appling, et al. v. American General Life & Accident Insurance Co.,

C.A. No. 3:05-258

Southern District of Georgia

Herschel A. Adair, et al. v. American General Life & Accident Insurance Co.,

C.A. No. 1:04-192

Paul A. Flanigan v. American General Life & Accident Insurance Co., C.A. No. 1:05-51

District of South Carolina

Raymond L. Addison, et al. v. American General Life & Accident Insurance Co.,

C.A. No. 3:04-23427

Middle District of Tennessee

Rolly Edward Thompson, et al. v. American General Life & Accident Insurance Co.,

C.A. No. 3:05-228

MDL-1700 -- In re FedEx Ground Package System, Inc., Employment Practices Litigation
(No. II)

Motion of defendant FedEx Ground Package System, Inc., for centralization of the following actions in the United States District Court for the Western District of Pennsylvania:

Northern District of California

Dean Alexander, et al. v. FedEx Ground Package System, Inc., et al., C.A. No. 3:05-38

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MDL-1700 (Continued)

Northern District of Illinois

Michael Griffin, et al. v. FedEx Corp., et al., C.A. No. 1:05-2326

District of Kansas

Carlene M. Craig, et al. v. FedEx Ground Package System, Inc., C.A. No. 5:03-4197

District of Massachusetts

Edward Sheehan, et al. v. FedEx Corp., et al., C.A. No. 1:05-10936

Eastern District of Michigan

James Lester, et al. v. Federal Express Corp., et al., C.A. No. 1:04-10055

District of Minnesota

Katrina Lee, et al. v. FedEx Corp., et al., C.A. No. 0:05-814

District of New Hampshire

Robert Gennell, Jr., et al. v. FedEx Corp., et al., C.A. No. 1:05-145

District of New Jersey

Jessie Capers, et al. v. FedEx Ground, et al., C.A. No. 2:02-5352

Michael B. Kilmartin v. Federal Express, Inc., et al., C.A. No. 3:05-2028

Eastern District of New York

Curtis Johnson, et al. v. FedEx Home Delivery, et al., C.A. No. 1:04-4935

Southern District of New York

Larry Louzau, et al. v. FedEx Ground Package System, Inc., C.A. No. 1:04-9795

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MDL-1700 (Continued)

District of South Dakota

Kimberly A. Bunger, et al. v. FedEx Ground Package System, Inc., et al.,
C.A. No. 4:05-4056

Western District of Texas

John Humphreys, et al. v. Federal Express Corp., et al., C.A. No. 1:05-155

Eastern District of Virginia

Bradley D. Gregory v. FedEx Corp., et al., C.A. No. 2:03-479

Western District of Washington

Randy Anfinson, et al. v. FedEx Ground Package System, Inc., et al., C.A. No. 2:05-119

MDL-1701 -- In re Sumatriptan Succinate Patent Litigation

Motion of plaintiff Glaxo Group, Ltd., for centralization of the following actions in the
United States District Court for the Southern District of New York:

District of Delaware

Glaxo Group, Ltd. v. Spectrum Pharmaceuticals, Inc., C.A. No. 1:05-99

Southern District of New York

Glaxo Group, Ltd. v. Dr. Reddy's Laboratories, Ltd., et al., C.A. No. 1:03-10260

Glaxo Group, Ltd. v. Cobalt Pharmaceuticals, Inc., C.A. No. 1:04-9886

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MDL-1702 -- In re Air Crash Near Kirksville, Missouri, on October 19, 2004

Motion of plaintiffs Jeffrey T. Diffenderfer, et al., for centralization of the following actions in the United States District Court for the Eastern District of Missouri:

Eastern District of Missouri

Everest National Insurance Co. v. Corporate Airlines, Inc., C.A. No. 4:05-60
Jeffrey T. Diffenderfer, et al. v. Corporate Airlines, Inc., et al., C.A. No. 4:05-191
A.D.M., et al. v. Corporate Airlines, Inc., et al., C.A. No. 4:05-245
Susanne Wandel, etc. v. American Airlines, Inc., et al., C.A. No. 4:05-370
Mary E. Sarantino, etc. v. American Airlines, Inc., et al., C.A. No. 4:05-445
Diane Varidin, et al. v. American Airlines, Inc., et al., C.A. No. 4:05-555
John E. Krogh, et al. v. Corporate Airlines, Inc., et al., C.A. No. 4:05-729
E.M.W., et al. v. Corporate Airlines, Inc., et al., C.A. No. 4:05-730

Northern District of Texas

Karlene Ator, etc. v. American Airlines, Inc., et al., C.A. No. 3:05-159
Alicia Talley, etc. v. American Airlines, Inc., et al., C.A. No. 3:05-160

MDL-1703 -- In re Sears, Roebuck & Co. Tools Marketing and Sales Practices Litigation

Motion of defendant Sears, Roebuck & Co., for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Central District of California

Guillermo Garcia Santamarina v. Sears, Roebuck & Co., C.A. No. 2:05-3039

Southern District of Florida

Jeffrey Greenfield v. Sears, Roebuck & Co., C.A. No. 1:05-21297

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MDL-1703 (Continued)

Northern District of Illinois

Larry Steven Anderson, Jr., et al. v. Sears, Roebuck & Co., C.A. No. 1:05-2623

Tammy Cyr v. Sears, Roebuck & Co., C.A. No. 1:05-2627

Charles Chatham v. Sears, Roebuck & Co., C.A. No. 1:05-2852

Eastern District of Missouri

Tracy Hutson v. Sears, Roebuck & Co., C.A. No. 4:05-760

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SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL-875 -- In re Asbestos Products Liability Litigation (No. VI)

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Middle District of Louisiana

William D. Hammons v. AMEC Construction Management, Inc., et al.,
C.A. No. 3:04-855

District of Maryland

Leroy Jackson v. John Crane-Houdaille, Inc., et al., C.A. No. 1:05-649

District of New Mexico

Sinforosa Apodaca, et al. v. Zia Co., et al., C.A. No. 6:05-182

Southern District of New York

Samuel P. Smith v. General Electric Co., C.A. No. 1:04-10102
James Bernhardt, et al. v. General Electric Co., C.A. No. 1:04-10103

Western District of Pennsylvania

Charles Simikian v. Pneumo Abex, LLC, et al., C.A. No. 2:05-229

Western District of Texas

Kathy D. Sartalamacchia, et al. v. Alcoa, Inc., C.A. No. 6:05-90

Schedule of Matters for Hearing Session, Section B
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MDL-1200 -- In re Flat Glass Antitrust Litigation

Opposition of defendant AFG Industries, Inc., to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the District of Oregon:

Western District of Pennsylvania

JELD-WEN, Inc., et al. v. Asahi Glass Co., Ltd., et al., C.A. No. 2:99-875 (D. Oregon, C.A. No. 3:99-351)

MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation

Oppositions of plaintiffs to transfer of their respective actions, listed on Attachment A, to the United States District Court for the Eastern District of Pennsylvania.

MDL-1358 -- In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

Opposition of plaintiffs Edith Quick, et al., to transfer of the following action to the United States District Court for the Southern District of New York:

Central District of Illinois

Edith Quick, et al. v. Shell Oil Co., et al., C.A. No. 2:05-2072

MDL-1379 -- In re Literary Works in Electronic Databases Copyright Litigation

Opposition of plaintiff Edward Roeder to transfer of the following action to the United States District Court for the Southern District of New York:

District of District of Columbia

Edward Roeder v. Tribune Co., Inc., et al., C.A. No. 1:04-1818

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MDL-1405 -- In re California Wholesale Electricity Antitrust Litigation

Opposition of plaintiff Preferred Energy Services, Inc., to transfer of the following action to the United States District Court for the Southern District of California:

Northern District of California

Preferred Energy Services, Inc. v. Reliant Energy Services, Inc., et al.,
C.A. No. 5:05-1435

MDL-1431 -- In re Baycol Products Liability Litigation

Opposition of plaintiff Linda Baker, etc., to transfer of the following action to the United States District Court for the District of Minnesota:

Southern District of Alabama

Linda Baker, etc. v. Bayer AG, et al., C.A. No. 1:03-687

MDL-1446 -- In re Enron Corp. Securities, Derivative & "ERISA" Litigation

Opposition of plaintiffs Lon Wilkens, et al., to transfer of the following action to the United States District Court for the Southern District of Texas:

Eastern District of Missouri

Lon Wilkens, et al. v. Merrill Lynch & Co., Inc., et al., C.A. No. 4:05-529

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MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

Opposition of plaintiff County of Erie to transfer of the following action to the United States District Court for the District of Massachusetts:

Western District of New York

County of Erie v. Abbott Laboratories, Inc., et al., C.A. No. 6:05-6203

MDL-1486 -- In re Dynamic Random Access Memory (DRAM) Antitrust Litigation

Oppositions of plaintiffs John McKinnon, et al.; Thomas K. Maher; and Shelly Smith, et al., to transfer of their respective following actions to the United States District Court for the Northern District of California:

District of Maine

John McKinnon, et al. v. Micron Technology, Inc., et al., C.A. No. 2:05-74

Middle District of North Carolina

Thomas K. Maher v. Elpida Memory, Inc., et al., C.A. No. 1:05-225

District of Vermont

Shelly Smith, et al. v. Micron Technology, Inc., et al., C.A. No. 2:05-99

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MDL-1507 -- In re Prempro Products Liability Litigation

Oppositions of plaintiffs Irene Anderson, et al.; Kathi Porter, et al.; Grigorina Nikolchev, et al.; Karen Towle; Carol Schoenberg; and Carolyn Green to transfer of their respective following actions to the United States District Court for the Eastern District of Arkansas:

Northern District of California

Irene Anderson, et al. v. Wyeth Pharmaceuticals, Inc., et al., C.A. No. 3:05-612
Kathi Porter, et al. v. Wyeth Pharmaceuticals, Inc., et al., C.A. No. 3:05-613
Grigorina Nikolchev, et al. v. Wyeth Pharmaceuticals, Inc., et al., C.A. No. 4:05-611
Karen Towle v. Wyeth Pharmaceuticals, Inc., et al., C.A. No. 4:05-614
Carol Schoenberg v. Wyeth Pharmaceuticals, Inc., et al., C.A. No. 4:05-615

Southern District of Mississippi

Carolyn Green v. Wyeth, Inc., et al., C.A. No. 3:04-877

MDL-1566 -- In re Western States Wholesale Natural Gas Antitrust Litigation

Motion of defendants Reliant Energy Services, Inc.; Dynegy Marketing & Trade; The Williams Power Company, Inc.; CMS Marketing Services & Trading Company; Duke Energy Trading & Marketing, LLC; and AEP Energy Services, Inc., for transfer of the following action to the United States District Court for the District of Nevada:

Western District of Tennessee

Samuel D. Leggett, et al. v. Duke Energy Corp., et al., C.A. No. 2:05-2177

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MDL-1586 -- In re Mutual Funds Investment Litigation

Oppositions of plaintiffs Barbara R. Anding, Dean Delaventura, and Brian Reaves to transfer of their respective following actions to the United States District Court for the District of Maryland:

Eastern District of Arkansas

Barbara R. Anding v. Bank of America Corp., et al., C.A. No. 4:05-525

District of Massachusetts

Dean Delaventura v. Columbus Acorn Trust, et al., C.A. No. 1:05-10793

Brian Reaves v. MFS Series Trust I, et al., C.A. No. 1:05-10804

MDL-1596 -- In re Zyprexa Products Liability Litigation

Oppositions of plaintiffs Nancy Sires and Connie Brown, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of New York:

Eastern District of Kentucky

Nancy Sires v. Eli Lilly & Co., et al., C.A. No. 5:05-117

Northern District of Texas

Connie Brown, et al. v. Eli Lilly & Co., et al., C.A. No. 4:05-215

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MDL-1604 -- In re Ocwen Federal Bank FSB Mortgage Servicing Litigation

Oppositions of plaintiffs Robert Harris, et al.; Wilfred Hinton; Albert Telfer; Sandra Sinegal; and Jeff Watson, et al., to transfer of their respective following actions to the United States District Court for the Northern District of Illinois:

Middle District of Alabama

Robert Harris, et al. v. Ocwen Federal Bank, FSB, C.A. No. 3:05-254

Northern District of Alabama

Wilfred Hinton v. Ocwen Federal Bank, FSB, et al., C.A. No. 2:05-689

Central District of California

Albert Telfer v. Moss, Codilis, Stawiarski, Morris, Schneider & Prior, LLP, et al.,
C.A. No. 5:05-138

Eastern District of Texas

Sandra Sinegal v. Ocwen Federal Bank, FSB, et al., C.A. No. 1:05-246

Southern District of Texas

Jeff Watson, et al. v. Ocwen Federal Bank, FSB, C.A. No. 4:05-924

MDL-1629 -- In re Neurontin Marketing, Sales Practices and Products Liability Litigation

Oppositions of plaintiffs Ellen DeRosa and Mary Hansen to transfer of their respective following actions to the United States District Court for the District of Massachusetts:

District of New Hampshire

Ellen DeRosa v. Pfizer, Inc., et al., C.A. No. 1:05-116

District of Vermont

Mary Hansen v. Pfizer, Inc., et al., C.A. No. 1:05-100

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MDL-1631 -- In re Publication Paper Antitrust Litigation

Oppositions of plaintiffs Jorine Lowry; Beth Mahoney; and Shelly Smith, et al., to transfer of their respective following actions to the United States District Court for the District of Connecticut:

District of Maine

Jorine Lowry v. International Paper Co., et al., C.A. No. 2:05-63

District of New Hampshire

Beth Mahoney v. International Paper Co., et al., C.A. No. 1:05-120

District of Vermont

Shelly Smith, et al. v. International Paper Co., et al., C.A. No. 2:05-93

MDL-1657 -- In re Vioxx Products Liability Litigation

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Eastern District of California

Leonard Lagden v. Merck & Co., Inc., et al., C.A. No. 2:05-656

Northern District of California

Vick Kargodorian v. Merck & Co., Inc., et al., C.A. No. 3:05-937
Nora Olson, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-1256

Southern District of California

Robert V. Purcell v. Merck & Co., Inc., et al., C.A. No. 3:05-443

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MDL-1657 (Continued)

District of Connecticut

JoAnn Malek v. Eric Rosenberg, M.D., et al., C.A. No. 3:05-543

Middle District of Florida

Migna Serrano, et al. v. Merck & Co., Inc., et al., C.A. No. 6:05-170

Conchita Merced-Torres, et al. v. Merck & Co., Inc., et al., C.A. No. 6:05-449

Samuel Diaz, et al. v. Merck & Co., Inc., et al., C.A. No. 6:05-472

Wayne Vigil, et al. v. Merck & Co., Inc., et al., C.A. No. 8:05-223

Southern District of Illinois

Helen Wood v. Merck & Co., Inc., et al., C.A. No. 3:05-168

Eastern District of Missouri

Curt Meng, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-194

Ronald Colbert, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-195

Carver Black, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-297

John Hodges, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-302

Renee Lockett, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-304

LeJuana Young, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-309

Kathryn Pueser, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-430

Chris Piechoinski, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-431

Lorraine Phillip, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-433

Barbara O'Bannon, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-434

Mary Miles, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-435

Jeffrey McDaniel, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-436

Louise McCarter, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-437

Norma Hubbard, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-438

Delores Holmes, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-439

Terry Frame, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-440

Jane Cavins, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-441

Charlesetta Butler, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-442

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MDL-1657 (Continued)

Northern District of Ohio

Kimberly Kaiser, et al. v. Merck & Co., Inc., C.A. No. 1:05-776

Western District of Pennsylvania

Mary Ellen Magnifico v. Merck & Co., Inc., C.A. No. 2:05-386

Northern District of Texas

James Booker v. Merck & Co., Inc., et al., C.A. No. 3:05-496

Northern District of West Virginia

William David Lough, et al. v. Merck & Co., Inc., et al., C.A. No. 5:05-34

MDL-1663 -- In re Insurance Brokerage Antitrust Litigation

Oppositions of plaintiff KLLM, Inc., plaintiff Signum, LLC, defendant CV Starr & Company, and defendant Insurance Company of the State of Pennsylvania to transfer of their respective following actions to the United States District Court for the District of New Jersey:

Southern District of Mississippi

KLLM, Inc. v. Marsh USA, Inc., et al., C.A. No. 3:04-893

District of South Carolina

Signum, LLC v. AON Corp., et al., C.A. No. 4:05-528

**ATTACHMENT A TO THE JULY 28, 2005
SCHEDULE OF MATTERS FOR HEARING**

**MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability
Litigation**

Central District of California

Susan R. Burrows, et al. v. American Home Products Corp., et al., C.A. No. 2:04-5304
Inga M. Hughes, et al. v. American Home Products Corp., et al., C.A. No. 2:04-5316
Kathleen Koman-Fahey v. American Home Products Corp., et al., C.A. No. 2:04-5317
Marilyn D. Evans, et al. v. American Home Products Corp., et al., C.A. No. 2:04-5318
Sheila Briggs, et al. v. American Home Products Corp., et al., C.A. No. 2:04-7470
Erma R. Boone, et al. v. American Home Products Corp., et al., C.A. No. 2:04-7474
Claudia J. Bolding v. American Home Products Corp., et al., C.A. No. 2:04-7475
Debra A. Brock v. American Home Products Corp., et al., C.A. No. 2:04-7480
Elizabeth T. Kramer-Manter, et al. v. American Home Products Corp., et al.,
C.A. No. 2:04-7638
Carol Lenz, et al. v. American Home Products Corp., et al., C.A. No. 2:04-7640
Sharon E. Little v. American Home Products Corp., et al., C.A. No. 2:04-7641
Maria L. Lopez v. American Home Products Corp., et al., C.A. No. 2:04-7642
Jesse M. Logan, Jr. v. American Home Products Corp., et al., C.A. No. 2:04-7643
Deborah A. St. Amand, et al. v. American Home Products Corp., et al., C.A. No. 2:04-8056
Cynthia Y. Vaporis-Martinez, et al. v. American Home Products Corp., et al.,
C.A. No. 2:04-9709
Betty Barton v. American Home Products Corp., et al., C.A. No. 2:05-139
Carolyn J. Clammer, et al. v. American Home Products Corp., et al., C.A. No. 2:05-140
Rufino Santiago, et al. v. American Home Products Corp., et al., C.A. No. 2:05-1238
Deborah Bain v. American Home Products Corp., et al., C.A. No. 2:05-1239

Northern District of Georgia

Frances Humphrey, et al. v. Wyeth, Inc., et al., C.A. No. 1:04-1566

Southern District of Mississippi

Sheryl Lynne Renfroe v. Wyeth, Inc., C.A. No. 3:04-717

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MDL-1203 Attachment A (Continued)

Southern District of New York

Milagros Luis v. American Home Products Corp., et al., C.A. No. 1:03-8290
Rosolyn J. Liebman-Rube, et al. v. American Home Products Corp., et al., C.A. No. 1:03-8291
Eva Sirna, et al. v. American Home Products Corp., et al., C.A. No. 1:04-5487

Southern District of Texas

Joe A. Munoz v. Wyeth, C.A. No. 4:03-4558
Kymberly A. Broyles v. Wyeth, et al., C.A. No. 4:03-4734
Rebecca S. Johnson v. Wyeth, C.A. No. 4:03-4809
Sandra Autrey-Karnes v. Wyeth, et al., C.A. No. 4:03-4814
Sophonria G. Bourgeois v. Wyeth, C.A. No. 4:03-4817
Kimberly J. Bounds v. Wyeth, C.A. No. 4:03-4818
Sherry Bess v. Wyeth, C.A. No. 4:03-4819
Shauna L. Stelse v. Wyeth, C.A. No. 4:03-4820
Ethel L. Gardley v. Wyeth, et al., C.A. No. 4:03-4821
Germania D. Sitomer v. Wyeth, C.A. No. 4:03-4824
John D. Bruderor v. Wyeth, C.A. No. 4:03-4825
Evelyn J. Vela v. Wyeth, C.A. No. 4:03-4826
Steve W. Siebeneicher v. Wyeth, et al., C.A. No. 4:03-4828
Myra C. Leslie v. Wyeth, et al., C.A. No. 4:03-4830
Janice L. Hall v. Wyeth, C.A. No. 4:03-4832
Wanda G. Robinson v. Wyeth, C.A. No. 4:03-4835
Ginger S. Glass v. Wyeth, et al., C.A. No. 4:03-4836
Ruby M. Howard v. Wyeth, C.A. No. 4:03-4839
Nikkole R. Kettle v. Wyeth, C.A. No. 4:03-4846
Jami L. Hain v. Wyeth, et al., C.A. No. 4:03-4848
Christina R. Buck v. Wyeth, et al., C.A. No. 4:03-4849
Martha V. Ruiz v. Wyeth, C.A. No. 4:03-4851
Barbara L. Hirsch v. Wyeth, C.A. No. 4:03-4852
Brenda K. Stewart v. Wyeth, C.A. No. 4:03-4853
Mary L. Thomas v. Wyeth, C.A. No. 4:03-4854
Olga Castro v. Wyeth, et al., C.A. No. 4:03-4904
Glenda J. Schochler v. Wyeth, et al., C.A. No. 4:03-4905
Susan L. Rivas v. Wyeth, C.A. No. 4:03-4907
Melanie A. Gray v. Wyeth, C.A. No. 4:03-4908

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MDL-1203 Attachment A (Continued)

Southern District of Texas (Continued)

Belinda P. McAdams v. Wyeth, C.A. No. 4:03-4909
Eleanor L. Baker v. Wyeth, C.A. No. 4:03-4911
Tory R. Khaleq v. Wyeth, et al., C.A. No. 4:03-4914
Peggy S. Hudson v. Wyeth, et al., C.A. No. 4:03-4915
Patricia L. Green v. Wyeth, et al., C.A. No. 4:03-4917
Belle L. Gwaltney v. Wyeth, C.A. No. 4:03-4918
Jodie M. Nanni v. Wyeth, C.A. No. 4:03-4919
Wanda K. Ratliff v. Wyeth, C.A. No. 4:03-4920
Connie D. Bale v. Wyeth, et al., C.A. No. 4:03-4921
Joyce E. Lewis v. Wyeth, C.A. No. 4:03-4922
Rea Jane Halter v. Wyeth, et al., C.A. No. 4:03-4924
Deborah K. Roberts v. Wyeth, et al., C.A. No. 4:03-4926
Frank Vollaro v. Wyeth, et al., C.A. No. 4:03-4928
Donna C. Rodgers v. Wyeth, C.A. No. 4:03-4931
Phyllis A. Thompson v. Wyeth, C.A. No. 4:03-4940
Shelly Hourani, et al. v. Wyeth, C.A. No. 4:04-277

PROCEDURES FOR ORAL ARGUMENT BEFORE THE
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

All oral argument is governed by the provisions of Rule 16.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (effective April 2, 2001). Rule 16.1(g) allows a maximum of twenty minutes for oral argument in each matter. In most cases, however, less time is necessary for the expression of all views and the Panel reserves the prerogative of reducing the time requested by counsel. Accordingly, counsel should be careful not to overstate the time requested for oral argument.

The Panel insists that counsel limit all oral argument to the appropriate criteria. See generally In re "East of the Rockies" Concrete Pipe Antitrust Cases, 302 F. Supp. 244, 255-56 (J.P.M.L. 1969) (concurring opinion) (discussion concerning criteria for transfer).

Rule 16.1 is duplicated in its entirety hereafter for your convenience.

RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned "Reasons Why Oral Argument Should [Need Not] Be Heard," and shall be filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that the Panel may dispense with oral argument if it determines that:

- (i) the dispositive issue(s) have been authoritatively decided; or
- (ii) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

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(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.